

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the June 5, 2008 Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment A amends claims 1, 11, 16, 22, and 26. No new matter has been added.

Claims 1-29 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Drawings

Applicants request that the Examiner now have the drawings as originally filed reviewed and accepted.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-4, 6, 9-16, 18, 20, and 21 stand rejected under 35 U.S.C §103(a) as being unpatentable by U.S Patent No. 6,708,217 to Colson et al. (hereinafter "Colson").

Colson discloses a content registry for storing mappings between content types and renderers capable of processing a content type. The mappings permit Colson to locate an appropriate renderer. (Abstract). The document content corresponding to the content type is then distributed to the located renderer which in turn renders it to the user. (Abstract). However, the Colson reference is silent with regard to selecting one of the plurality of content type attributes for processing by the user device based on a fidelity measure.

In contrast to the cited art, claim 1 as amended recites:

- accessing, by a user device, a data packet representing the notification, said data packet having a plurality of content type attributes, each content type attribute having a content data attribute associated therewith storing non-rendered content data;

- determining a fidelity measure, said fidelity measure indicating the capability of the user device to render the notification; and

- selecting one of the plurality of content type attributes for processing by the user device based on the fidelity measure, wherein the user device executes an application, said application performing an action based on the non-rendered content data associated with the selected content type attribute, and wherein the user device renders the notification in accordance with the fidelity measure.

To enable the alerts service or end user device to match device capabilities with content from the notification, aspects of the invention provide **a fidelity measure with each alternative rendering option**. (Page 8, paragraph 31). For example, consider a notification about a traffic jam containing directions for re-routing the user including audio directions, a text description, and a map graphic. (Pages 8-9, paragraph 31). In this example, rendering on a device that can handle all three components without truncation for the text is assigned a fidelity of 1.0, a device capable of handling only the map graphic and text is assigned a fidelity of 0.75, and a device that handles the text only is assigned a fidelity of 0.5. (Page 9, paragraph 31).

Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. *KSR International Co. v. Teleflex, Inc.*, 550 USPQ2d 1385 (2007). . However, in this rejection, neither the **element of a fidelity measure indicating the capability of the user device to render the notification**, nor the **result of selecting one of the plurality of content type attributes for processing by the user device based on the fidelity measure**, is found in the combined art. Advantageously, an application executing on the device can perform an action based on the non-rendered data, which is not disclosed by Colson. Thus, claims 2-4, 12-14 and 28 are allowable and the rejection should be removed.

Accordingly, Applicants submit claim 1 is allowable over the cited art. Claims 2-9 depend from claim 1 and should be allowed for at least the same reasons as claim 1. Additionally, to the extent that independent claims 11, 16, 22, and 26 include subject matter similar to that of claim 1, these independent claims are allowable for at least the same reasons as claim 1. Furthermore, claims 12-15, 17-21, 23-25, and 27-29 depend from claims 11, 16, 22, and 26, respectively, and are allowable for at least the same reasons as the independent claims from which they depend. Applicants thus submit that the rejection of claims 1-4, 6, 9-16, 18, 20, and 21 under 35 U.S.C. § 103(a) should be removed.

Claims 5, 17, 19, and 22-25 stand rejected under 35 U.S.C 103(a) as being unpatentable over Colson, in view of U.S Patent No. 6,980,993 to Horvitz et al, (hereinafter, "Horvitz"). The Examiner asserts Horvitz discloses a data packet comprising a device hint. However, Horvitz fails to cure the deficiencies of Colson. For example, nothing in Horvitz shows storing a fidelity measure indicating the capability of the user device to render the notification. Thus, claims 5, 17,

19, and 23-25, which depend from claims 1, 16, and 22 are allowable and the rejection should be removed. As explained above, claims 16 and 22 are allowable for at least the same reasons as claim 1.

Claims 7 and 8 stand rejected under 35 U.S.C 103(a) as being unpatentable over Colson, in view of U.S. Pub. App. No. 2004/0181550 to Warsta et al. (hereinafter "Warsta"). The Examiner asserts Warsta discloses a system that retrieves and delivers appropriate content to a device based on the device's capabilities. However, Warsta fails to cure the deficiencies of the cited art. Again, nothing in Warsta shows storing a fidelity measure indicating the capability of the user device to render the notification. Thus, claims 7 and 8, which depend from claim 1 are allowable and the rejection should be removed.

Claims 26-29 stand rejected under 35 U.S.C 103(a) as being unpatentable over Colson, in view of U.S. Pub. App. No. 2004/0242322 to Montagna et al. (hereinafter "Montagna "). The Examiner asserts Montagna discloses a system that retrieves and delivers appropriate content to a device based on the device's capabilities. However, Montagna fails to cure the deficiencies of the cited art. Again, nothing in Montagna shows a fidelity measure indicating the capability of the user device to render the notification. Thus, claims 26-29, which depend from claim 1 are allowable and the rejection should be removed.

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that the claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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